


CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: July 28, 2014

AGENDA ITEM: Fireworks Law Review	AGENDA SECTION: Mayor's Business	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	AGENDA NUMBER:	
ATTACHMENTS: <ol style="list-style-type: none"> 1. Area Fireworks Restrictions Summary 2. Fire District Incident Report Summary 3. Police Department Citation Summary 4. Puget Sound Clean Air Agency Email and Report 5. Marysville Municipal Code 9.20 Fireworks 	APPROVED BY:	
	MAYOR	CAO 
BUDGET CODE:	AMOUNT:	

City Council requested review of Marysville's fireworks regulations. Information has been compiled for Snohomish County and King County relating to firework restrictions. Information from Fire and Police response has also been included. The Mayor also received an air quality report from Puget Sound Clean Air Agency following the 4th of July weekend.

RECOMMENDED ACTION: Staff asks Council to review attachments regarding Fireworks. Staff asks Council to provide requests for additional information if needed.
COUNCIL ACTION:

Fireworks Laws Summary

Snohomish County Cities	Banned	July 4th Only	Multiple Dates
Arlington		9:00 a.m. – midnight	
Bothell		9:00 a.m. – 11:00 p.m.	
Brier		9:00 a.m. – 11:59 p.m.	
Edmonds	Banned		
Everett	Banned		
Gold Bar	Banned		
Granite Falls		9:00 a.m. – midnight	
Index		9:00 a.m. – midnight	
Lake Stevens		9:00 a.m. – midnight	
Lynnwood		9:00 a.m. – 11:00 p.m.	
Marysville		9:00 a.m. – 11:00 p.m.	
Mill Creek	Banned		
Mountlake Terrace	Banned		
Mukilteo	Banned		
Snohomish			July 1 st to 4 th 9 a.m. – 11:00 p.m.
Stanwood			June 28 th to July 5 th Noon – 11:00 p.m.
Unincorporated Snohomish County		9:00 a.m. – 11:59 p.m.	
Woodway	Banned		
Woodinville	Banned		
King County Cities*	Banned	July 4th Only	Multiple Dates
Kenmore	Banned		
Auburn		9:00 a.m. – midnight	
Bellevue	Banned		
Black Diamond		9:00 a.m. – midnight	
Burien	Banned		
Carnation	Banned		
Clyde Hill	Banned		
Covington		9:00 a.m. – midnight	
Des Moines	Banned		
Duvall		9:00 a.m. – 11:00 p.m.	
Enumclaw		9:00 a.m. – 11:00 p.m.	
Federal Way	Banned		
Hunts Point	Banned		
Issaquah	Banned		
Kent		9:00 a.m. – 11:00 p.m.	
Kirkland	Banned		
Lake Forest Park	Banned		
Maple Valley		9:00 a.m. – 11:00 p.m.	
Medina	Banned		

Mercer Island		9:00 a.m. – 11:00 p.m.	
Newcastle	Banned		
Normandy Park			June 28 th Noon – 11:00 p.m. June 29 th – July 4 th 9 a.m. – 11 p.m.
North Bend		9:00 a.m. – midnight	
Pacific		9:00 a.m. – midnight	
Redmond	Banned		
Renton	Banned		
Sammamish	Banned		
SeaTac	Banned		
Seattle	Banned		
Shoreline	Banned		
Skykomish		9:00 a.m. – 11:00 p.m.	
Snoqualmie		6:00 p.m. – 11:00 p.m.	
Tukwila	Banned		
Woodinville	Banned		
Yarrow Point	Banned		
Unincorporated King County		9 a.m. – midnight	

*King County Data from County website. Updated in 2013

2014 Fireworks Totals Fire District

There were 12 total fireworks incidents reported of which one injury was reported within the City. Of those 12 incidents that were reported two (2) were within the District, one (1) in Quil Ceda Village, and 9 within the City. The injuries have been highlighted and a synopsis of those fireworks incidents:

Fireworks Incidents 06/28/14 – 07/05/14					
Number	Date	Incident Number	Location	Disposition	Jurisdiction
1	06/25/14	5061	5611 108th Street NE	Grass Fire	City
2	07/04/14	5333	5301 64th Street NE	Port-A-Potty	City
3		5337	14502 E. Lake Goodwin	Cancelled	District
4		5340	Grove Street @ Beach Avenue	Grass Fire	City
5		5343	1114 State Avenue	Grass Fire	City
6	07/04/14	5350	6909 61st Place NE	Grass Fire	City
7		5356	14425 54th Drive NE	Eye Injury	City
8		5359	6918 77th Avenue NE	Grass Fire	City
9		5360	58th Drive NE	Tree	City
10		5361	10322 27th Avenue NE	Head Injury	Village
11		5363	16514 38th Avenue NW	Unknown Injury	District
12		5365	5309 101st Place NE	Brush	City

2014 Fireworks Totals Police Department

- 2013 – 13 fireworks citations written
- 2014 – 28 fireworks citations written
- 30 warning issued on July 4th; one ticket written

Email Summary from Puget Sound Clean Air

From: Craig Kenworthy [<mailto:CraigK@pscleanair.org>]

Sent: Monday, July 07, 2014 8:42 AM

To: Jon Nehring

Subject: Emailing: NevronChart

Hi Mayor,

In case the city gets questions about air quality over the 4th of July holiday, I am attaching a graph showing what things looked like. It displays the 24 hour average over the 4th and 5th and how pollution builds up and dissipates.

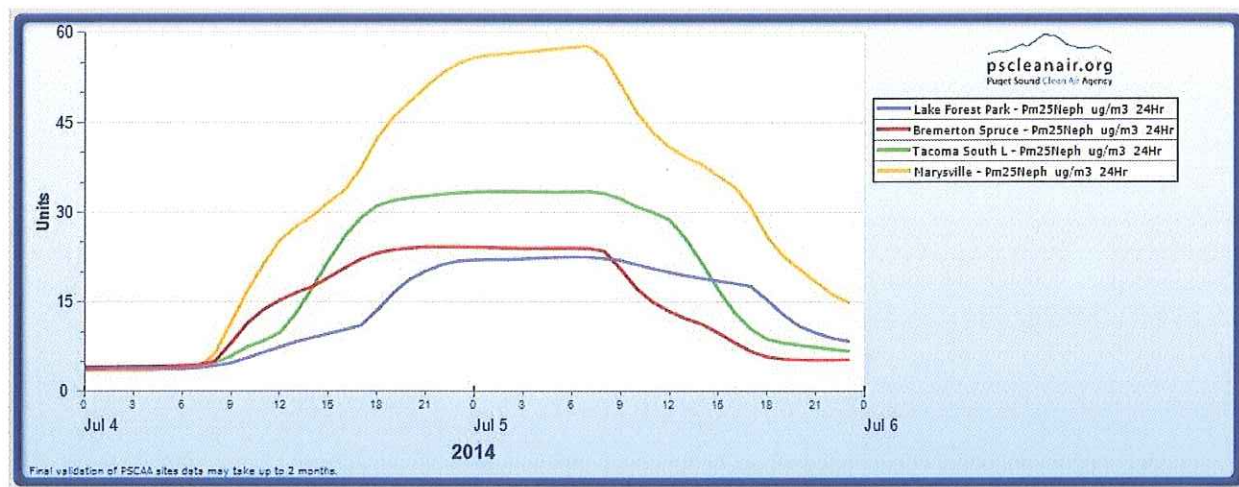
This year, our Marysville monitor had the highest levels of particulate pollution(PM 2.5) compared to other sites where we see spikes on the holiday. The 24 hour average was like a really bad winter day when we have a lot of wood smoke in the air, with the short time frame(1 hour) readings on the 4th and 5th being much higher than those winter days and the lower end hourly readings (say after noon) being lower.

The weather conditions(light winds, no rain) make a major difference in how long it takes for levels to drop and this year those conditions did not help us out. I'll be sharing similar data with other officials.

Please let me know what questions you have.

Best,

Craig K.



Chapter 9.20 FIREWORKS

Sections:

- [9.20.010](#) State statutes adopted.
- [9.20.015](#) Additional definitions.
- [9.20.020](#) Date and time limits for sale or discharge of consumer fireworks.
- [9.20.070](#) Permit procedure.
- [9.20.080](#) Action by city council.
- [9.20.090](#) Issuance of – Nontransferable.
- [9.20.110](#) Operation of fireworks stands.
- [9.20.120](#) Temporary fireworks stand specifications.
- [9.20.125](#) Enforcement – Revocation of permit.
- [9.20.130](#) Penalties for violations.

9.20.010 State statutes adopted.

The following sections of the State Fireworks Law (Chapter [70.77](#) RCW) are adopted by reference, including any amendments to the same which may hereafter be enacted by the state of Washington:

RCW

- [70.77.126](#) Definition of "fireworks."
- [70.77.131](#) Definition of "display fireworks."
- [70.77.136](#) Definition of "consumer fireworks."
- [70.77.138](#) Definition of "articles pyrotechnic."
- [70.77.141](#) Definition of "agricultural and wildlife fireworks."
- [70.77.146](#) Definition of "special effects."
- [70.77.160](#) Definition of "public display of fireworks."
- [70.77.165](#) Definition of "fire nuisance."
- [70.77.180](#) Definition of "permit."
- [70.77.190](#) Definition of "person."
- [70.77.205](#) Definition of "manufacturer."
- [70.77.210](#) Definition of "wholesaler."
- [70.77.215](#) Definition of "retailer."
- [70.77.230](#) Definition of "pyrotechnic operator."
- [70.77.255](#) Acts prohibited without a license.
- [70.77.285](#) Public display permit – Bond.
- [70.77.290](#) Public display permit.
- [70.77.295](#) Public display permit – Amount of bond.
- [70.77.311](#) Exemptions from licensing.
- [70.77.335](#) License authorizes activities of salesmen, employees.
- [70.77.405](#) Authorized sales of toy caps, tricks, novelties.
- [70.77.410](#) Public displays not to be hazardous.
- [70.77.415](#) Supervision of public displays.
- [70.77.420](#) Storage permit required.

- [70.77.425](#) Approved storage facilities required.
- [70.77.430](#) Sale of stock after revocation or expiration of license.
- [70.77.450](#) Examination, inspection of books and premises.
- [70.77.480](#) Prohibited transfers of fireworks.
- [70.77.485](#) Unlawful possession of fireworks – Penalties.
- [70.77.488](#) Unlawful discharge or use of fireworks – Penalty.
- [70.77.510](#) Sales or transfers of display fireworks – Penalty.
- [70.77.515](#) Sales or transfers of consumer fireworks – Penalty.
- [70.77.520](#) Unlawful to permit fire nuisance where fireworks kept – Penalty.
- [70.77.535](#) Articles pyrotechnic, special fireworks for entertainment media.
- [70.77.545](#) Violation a separate, continuing offense.
- [70.77.547](#) Civil enforcement not precluded.
- [70.77.580](#) Posting by retailers of lists of allowed fireworks.

(Ord. 2737 § 1, 2008; Ord. 2409 § 1, 2002; Ord. 1942 § 1, 1993; Ord. 1778 § 1, 1990; Ord. 1376 § 2, 1984).

9.20.015 Additional definitions.

The following additional definitions shall apply in this chapter:

“Permittee” means any person issued a fireworks permit in conformance with this chapter. (Ord. 2737 § 1, 2008; Ord. 2409 § 2, 2002).

9.20.020 Date and time limits for sale or discharge of consumer fireworks.

No fireworks shall be sold or discharged within the city except as follows:

(1) The sale of consumer fireworks shall be allowed from 12:00 noon to 11:00 p.m. on June 28th and from 9:00 a.m. to 11:00 p.m. on June 29th through July 4th.

(2) Consumer fireworks may be discharged July 4th only from 9:00 a.m. to 11:00 p.m. and December 31st from 9:00 a.m. to 2:00 a.m. on January 1st. (Ord. 2737 § 1, 2008; Ord. 2529 § 1, 2004; Ord. 2409 § 3, 2002; Ord. 2031 § 1, 1995; Ord. 1942 § 2, 1993).

9.20.070 Permit procedure.

Any adult person, firm, partnership, corporation or association may apply for a fireworks permit; provided, that the applicant must hold a current business license issued by the city, and must be, or be sponsored by, a person or entity which has a permanent address within the city limits. The application shall be filed with the business licensing specialist or designee.

The application shall include the following:

(1) Proof that the applicant has been issued a fireworks license or permit by the Chief of the Washington State Patrol acting through the city’s fire marshal;

(2) A description of the proposed location of the fireworks;

(3) Proof that the applicant has an insurance policy with bodily injury liability limits of \$50,000/ \$1,000,000 for each person and occurrence and \$50,000 for property damage liability for each occurrence. The city shall be named as an additional insured on the policy;

(4) An annual license fee of \$100.00;

(5) Subject to MMC [9.20.080](#), such permit shall be issued if the application meets the requirements of Chapter [70.77](#) RCW and all ordinances of the city of Marysville. (Ord. 2890 § 1, 2012; Ord. 2737 § 1, 2008; Ord. 2409 § 4, 2002; Ord. 2031 § 2, 1995; Ord. 1592, 1987; Ord. 1241 § 2, 1982; Ord. 1235 § 3, 1982).

9.20.080 Action by city council.

Upon seven days' advance written notice to the applicant, the city council shall hold a public meeting on the issuance of a fireworks permit. The city council shall have power, in its discretion, to grant or deny the application, subject to reasonable conditions, if any, as it shall prescribe. The decision of the city council with respect to an application shall be final. (Ord. 2890 § 2, 2012; Ord. 2737 § 1, 2008; Ord. 1241 § 3, 1982; Ord. 1235 § 4, 1982).

9.20.090 Issuance of – Nontransferable.

Upon approval by the city council of a fireworks permit, the city clerk shall issue the same to the applicant, who thereafter shall be the permittee. The permit shall be for a term of one year. No permit shall be transferable without express approval by the city council. (Ord. 2737 § 1, 2008; Ord. 2409 § 5, 2002; Ord. 1235 § 5, 1982).

9.20.110 Operation of fireworks stands.

The party holding the fireworks permit shall operate the fireworks stand exclusively by and through its employees, members or designees. At least one adult person (age 18 or over) shall be present at all times a fireworks stand is open to the public. No person under 16 years of age shall be allowed to sell fireworks or remain within a fireworks stand when it is open to the public. (Ord. 2737 § 1, 2008; Ord. 1778 § 2, 1990; Ord. 1241 § 4, 1982; Ord. 1235 § 6, 1982; Ord. 479 § 11, 1962).

9.20.120 Temporary fireworks stand specifications.

All retail sales of consumer fireworks shall be permitted only from a retailer at a retail fireworks stand or outlet that is temporary, and the sale from any other building or structure is prohibited.

A retail fireworks stand shall be subject to the following provisions, unless preempted by state-wide standards, in which event the state-wide standards shall apply:

(1) No retail fireworks stand shall be located within 25 feet of any other building, nor within 50 feet of any gasoline station.

(2) Retail fireworks stands shall be temporary and need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the fire chief, as defined elsewhere in this code, who shall require that the stand be constructed in a manner which shall ensure the safety of attendants and patrons, shall be wired according to state or national electrical code, and shall satisfy any state-wide standards issued by the State Director of Fire

Protection. At least two approved fire extinguishers with 2.5 gallons apiece, or equivalent, shall be maintained at each stand at all times.

(3) Each stand must have two exits.

(4) No retail fireworks stand shall be located closer than 600 feet to another fireworks stand.

(5) All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand.

(6) "No Smoking" signs shall be prominently displayed on the fireworks stand.

(7) Each retail fireworks stand shall be operated by adults only. No fireworks shall be left unattended in a stand.

(8) All unsold stock and accompanying litter shall be removed from the location by 12:00 noon on the sixth day of July of each year.

(9) The retail fireworks stand shall be disassembled and removed from the location by 12:00 noon on the sixth day of July of each year. (Ord. 2737 § 1, 2008; Ord. 2409 § 6, 2002; Ord. 1778 § 3, 1990; Ord. 479 § 12, 1962).

9.20.125 Enforcement – Revocation of permit.

The city fire marshal shall be authorized to enter and inspect all fireworks stands to assure compliance with the provisions of this chapter and to protect the public health, safety and welfare. The fire marshal is authorized to temporarily revoke any permit, for cause. Any party aggrieved by such revocation shall have the right to appeal the same to the city council within 10 days thereafter. The decision of the city council shall be final. (Ord. 2737 § 1, 2008; Ord. 1235 § 7, 1982).

9.20.130 Penalties for violations.

(1) Any person violating this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000, or by imprisonment in the jail for a period not exceeding 90 days, or by both such fine and imprisonment. Further, the license shall be revoked.

(2) Any person violating portions of this chapter specifically designated by this chapter or by RCW as gross misdemeanor or misdemeanor, upon conviction shall be guilty and punished for gross misdemeanor by a fine not to exceed \$5,000 or by imprisonment in jail for a period not to exceed 365 days or by both such fine and imprisonment; for misdemeanor by a fine not to exceed \$1,000 or by imprisonment in jail for a period not to exceed 90 days or by both such fine and imprisonment.

(3) Civil Infraction.

(a) Violations involving possession or discharge of small quantities of fireworks, unless specifically designated in this chapter or RCW as gross misdemeanor or misdemeanor, is a civil infraction, and may be cited as a "civil infraction."

(i) Upon finding that a violation has been committed the person committing the act shall be assessed an amount not to exceed \$500.00 plus applicable statutory assessments.

(ii) Such penalty is in addition to any other remedies or penalties specifically provided by law; nothing in this section precludes the charging of a misdemeanor or gross misdemeanor crime as defined under this chapter or RCW.

(iii) Three or more of said "civil infractions" within any consecutive two-year period of time shall be cited as a misdemeanor as set forth in subsection (1) of this section.

(b) "Civil infraction" has the meaning given that term by Chapter [7.80](#) RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted by the Marysville municipal court. (Ord. 2737 § 1, 2008; Ord. 479 § 13, 1962).

The Marysville Municipal Code is current through Ordinance 2963, passed May 27, 2014.

Disclaimer: The City Clerk's Office has the official version of the Marysville Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
